



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)	<u>PATENT APPLICATION</u>
)	
Inventor: Amarender Kethireddy)	June 16, 2003
)	
)	ATTORNEY DOCKET
Serial No.: 10/066,088)	No. SLA 1164
)	
Filed: January 30, 2002)	Group Art Unit:
)	
Title: USER INTERFACE AND)	Examiner:
METHOD FOR PROVIDING)	
SEARCH QUERY SYNTAX)	
HELP)	
)	
)	

PETITION IN RESPONSE TO: DISMISSAL OF PETITION UNDER 37
C.F.R § 1.137(a)

Commissioner for Patents
Mail Stop Petition
PO Box 1450
Alexandria, Virginia 22313-1450

Sir:

RECEIVED

JUN 23 2003

OFFICE OF PETITIONS

Applicant hereby petitions the Commissioner to reconsider
dismissal of applicant's petition under 37 C.F.R § 1.137(a) filed December
11, 2002 to revive Serial No. 10/066,088, filed January 30, 2002.

The above-identified application became abandoned for failure to
file a timely reply to a Notice to File Corrected Application Papers

(hereinafter referred to as "Office Action"). The Office Action, mailed February 28, 2002 and addressed to attorney-of-record, David C. Ripma, was not received by applicant's attorney. Applicant submitted a Petition For Revival of An Application for Patent Abandoned Unavoidably under 37 C.F.R § 1.137(a). The petition was dismissed on April 16, 2003.

Applicant's petition was dismissed because applicant failed to show, to the satisfaction of the Commissioner, that the entire delay in filing the required reply, from the due date for the reply until the filing of a grantable petition, was unavoidable (See 37 C.F.R § 1.137(a)). In order to make this showing, applicant herewith encloses the following:

(1) A copy of a Status Inquiry sent to the U.S.P.T.O dated June 26, 2002 by attorney-of-record, David C. Ripma (Exhibit A).

(2) A copy of a returned post card from the U.S.P.T.O. (Exhibit B).

(3) A Declaration of attorney David Ripma (Exhibit C).

(4) A Declaration of Kimberly Mullen (Exhibit D).

(5) A copy of documents faxed from U.S.P.T.O. to Ms. Kim Mullen on November 7, 2002 (Exhibit E).

(6) A true copy of a computer printout of the docket records from the patent department of Sharp Laboratories of America, Inc. (SLA). The computer printout shows all replies docketed for dates just before and after the date two months from the date of the Office Action, namely, April 28, 2002. No docket entry appears showing an Office Action with a response due date of April 28, 2002, and no response is due for a case bearing Attorney Docket No. SLA1164, which corresponds to application Serial No. 10/066,088 (Exhibit F).

(7) A copy of the applicant's petition filed December 11, 2002 (Exhibit G).

(8) A copy of Commissioner's Response to applicant's December 11th Petition dated April 16, 2003 (Exhibit H).

REMARKS

In the Commissioner's Response dated April 16, 2003, applicant's December 11, 2002 petition under 37 C.F.R 1.137(a) was dismissed. The Petitions Attorney said applicant failed to make the showing required to establish non-receipt of an office communication. Such a showing must include the following items: (1) A statement from the inventor stating that the inventor did not receive the office communication and attesting to the fact that a search of the file jacket and docket records indicates that the office communication was not received; and (2) A copy of the docket record where the non-received office communication would have been entered had it been received and docketed. This information must be attached to and referenced in the inventor's statement.

Applicant has provided a statement from attorney-of-record David Ripma (Exhibit C) attesting to the fact that a search of the file jacket and docket records indicates that the above-defined Office Action was not received. The statement in Exhibit C is provided by Mr. Ripma instead of the inventor because correspondence from the patent office concerning application Serial No. 10/066,088 was addressed directly to Mr. Ripma, Patent Council of the inventor's employer, SLA, and not to the inventor. Similarly, docket records are maintained by Mr. Ripma. Within SLA, inventors do not directly receive correspondence from the U.S.P.T.O., nor do inventors maintain or review docket records. Accordingly, applicant

respectfully submits that the statement of Mr. Ripma satisfies the requirement that a statement be provided by the inventor stating that the Office communication was not received.

The applicant has also provided a copy of the docket record where the non-received office communication would have been entered had it been received and docketed (Exhibit F). Exhibit F is referenced in Mr. Ripma's statement.

The abandonment of applicant's application was unavoidable because applicant did not receive the February 28, 2002 Office Action from the U.S.P.T.O. in time to make a timely response.

The sequence of events was as follows: (1) Having failed to receive a filing receipt, applicant's attorney Mr. Ripma, filed a Status Inquiry (Exhibit A) on June 26, 2002. (2) The U.S.P.T.O. received the Status Inquiry on July 8, 2002, as acknowledged by the postcard from the U.S.P.T.O. (Exhibit B). (3) Having received neither a filing receipt nor or a response to the Status Inquiry, on November 7, 2002, Mr. Ripma's secretary Kimberly Mullen telephoned customer service at the U.S.P.T.O. (Exhibit D). (4) On November 7, 2002 Ms. Robinson of U.S.P.T.O. customer service faxed to Ms. Mullen, copies of the February 28, 2002 Office Action and filing receipt (Exhibit E). (5) Mr. Ripma asked Scott Krieger, an attorney who works for Mr. Ripma, to file a petition under 37 C.F.R 1.137(a), which was filed on December 11, 2002.

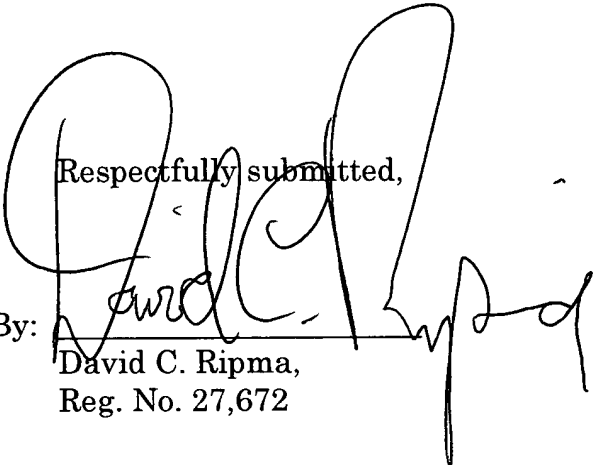
Applicant respectfully submits that the above narrative, together with attached Exhibits A-H provides the required showing and corroborative evidence to support applicant's petition under 37 C.F.R 1.137(a). In addition to the required showing, i.e., review of the file and copy of docket record, the Status Inquiry of 6/26/02 and the telephone

inquiry of 11/7/02 further demonstrate that applicant never received the Office Action. Accordingly, applicant respectfully requests reconsideration of the dismissal and petitions Commissioner to grant the petition under 37 C.F.R § 1.137(a).

Date: 6/15/03

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Respectfully submitted,

By: David C. Ripma,
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